

alleging interstate shipment of various products. On September 14, 1937, these five counts were dismissed, on the court's own motion, in view of the prior sentence on count 1.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27528. Adulteration and misbranding of Solution Citrate of Magnesia. U. S. v. National Magnesia Co. of Illinois. Plea of nolo contendere. Fine, \$50. (F. & D. No. 37063. Sample No. 56477-B.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On August 10, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Magnesia Co. of Illinois, a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 27, 1935, from the State of Illinois into the State of Indiana of a quantity of Solution Citrate of Magnesia that was adulterated and misbranded. The article was labeled in part: "Hook's Dependable Drug Stores, Effervescent Solution Citrate of Magnesia U. S. P."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained less than 1.5 grams, namely, not more than 1.27 grams of magnesium oxide per 100 cubic centimeters and the quantity of half-normal sulphuric acid required to neutralize the ash from 10 cubic centimeters of the article was less than 28 cubic centimeters, namely, not more than 25.34 cubic centimeters, whereas the pharmacopoeia provides that solution of magnesium citrate shall contain not less than 1.5 grams of magnesium oxide per 100 cubic centimeters and that 10 cubic centimeters of the solution shall require not less than 28 cubic centimeters of half-normal sulphuric acid to neutralize the ash; and the standard of strength, quality, and purity of the article was not declared on the container. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold.

It was alleged to be misbranded in that the statement on the label, "Solution Citrate of Magnesia U. S. P.," was false and misleading since it represented that the article was solution of citrate of magnesia which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not solution of citrate of magnesia which conformed to the standard laid down in that authority.

On June 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27529. Misbranding of mouthwash. U. S. v. 60 Bottles of Mouthwash. Default decree of condemnation and destruction. (F. & D. No. 37729. Sample No. 52878-B.)

The labeling of this product bore false and misleading representations regarding its alleged antiseptic and germicidal properties, and false and fraudulent representations regarding its curative and therapeutic effects.

On May 12, 1936, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of mouthwash at Beebe, Ark., alleging that the article had been shipped in interstate commerce on or about January 22, 1936, by the Golden Peacock Co., from Paris, Tenn., and charging misbranding in violation of the Food and Drugs Act.

Bacteriological examination showed that it was not antiseptic.

The article was alleged to be misbranded in that the following statements, "Highly antiseptic," "A powerful germ killer," and "Ten times as strong as ordinary antiseptics," were false and misleading. It was alleged to be misbranded further in that said statements regarding its curative or therapeutic effects were false and fraudulent.

On June 29, 1936, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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